

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.21532 of 2002

Between:

Dr.T.Patanjali Sastry President
Environment Centre, Dhavaipet, Rajahmundry, E.G.District

..... PETITIONER

AND

- 1.The R.D.O., Kolleru, Bhimavaram, West Godavari District.
- 2.The Mandal Revenue Officer,
Bhimavaram, West Godavari District.
- 3.The District Collector, West Godavari District at Eluru.
- 4.The Environmental A. P. Pollution Control Board
Regional Office, Bhimavaram, W.G.District.
- 5.The Member Secretary,
Pollution Control Board, Maitrivanam, S.R.Nagar,
Hyderabad.
- 6.The Secretary to Govt. of A.P.,
Energy, Forest, Environmental, Science & Technology Department,
Secretariat, Hyderabad.
- 7.The Municipality, Eluru, rep. by its Commissioner.

(R.7 is impleaded as per Court Order dt.15-11-2002

in W.P.No.21531 of 2002)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that for the reasons stated in the petition Dt.04-09-2002 sent by the petitioner herein, this Hon'ble Court may be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of mandamus calling for the remarks and records from the respondents herein in and connected to: "The direction issued by this Hon'ble Court Dt.13-07-2001 in Writ Petition No.33587 of 98 to demolish all fish farms occupying the Kolleru Lake and restore its glory as a fresh water lake, the Government has failed to demolish the fish ponds entirely, that the lake is turning into a salt water lake and the mouth of the creek moving away, damage the Eco-System and direct the concerned authorities; 1.To save the Kolleru Lake; 2.To install a sewerage treatment plant in Eluru to get the lake free from sewerage; 3.To plan phase wise improvement of the catchment's area of the lake; and 4.To take such measures may deem it appropriate to preserve the lake as national heritage".

Counsel for the Petitioner: PETITION

Counsel for Respondent Nos.1, 2, 3 & 6: THE ADVOCATE

GENERAL

Counsel for Respondent Nos.4 & 5 : Mr. S.V.BHATT,

S.C. FOR APPCB.

Counsel for Respondent No.7 : Mr. DAMMALAPATI SRINIVAS

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This is a taken-up petition registered on the basis of a representation received from Environmental Centre, Rajahmundry, complaining that the directions issued by this Court on 13-7-2001 in Writ Petition No.33587 of 1998 to demolish all fish ponds occupying Kolleru lake and to restore its glory as fresh water lake have not been complied with, inasmuch as Government failed to demolish fish ponds entirely and the lake is turning into a salt water lake. Petition also seeks a direction to install a sewage treatment plant in Eluru and to improve the catchment area of the lake etc.

Mr.Sanjay Jaju, District Collector, West Godavari, Eluru has filed his affidavit in reply stating that in order to comply with the directions of this Court, actions were taken. Various steps initiated are enumerated in detail, which we need not mention in

detail, but in nutshell it may be mentioned that in addition to effective steps taken for demolition of fish tanks, action has been taken by Revenue Divisional Officer, Eluru to cancel and resume D Form pattas issued to fishermen societies and others within the sanctuary area. TRANSCO has issued notices of disconnection, collection of water tax in Kolleru has been dispensed with and lands covered by Kolleru have been recorded as Kolleru Wild Life Sanctuary in the Revenue records, and instructions have been issued to the District Panchayat Officer, Eluru, Superintending Engineers, Panchayat Raj Department and Roads & Buildings Department not to form any new roads, culverts or bridges in sanctuary area. As per the directions of the Pollution Control Board, Eluru Municipality has prepared a proposal for renovation of the sewage treatment plant at Ponangi and submitted to the Government for financial assistance. Land developed as Kolleru Wild Life Sanctuary has been handed over to wild life authorities for development. Wide publicity is given about the importance of the sanctuary. In nutshell, it is explained that respondents are so sincere with regard to implementation of the judgment.

Seventh respondent has also filed affidavit in reply stating that A.P. Pollution Control Board during the review meeting conducted with the Municipal Commissioners agreed to extend financial assistance for construction of sewage treatment plant in Eluru Municipality in case Eluru Municipality clears its dues towards cess arrears and part of the amount was released, but later on Pollution Control Board suggested to utilize the services of Environment Protection Training and Research Institute, Hyderabad regarding construction and renovation of sewage treatment plant. The officials of the Institute visited the town in October 2002 and report is still awaited.

Considering the material on record, we are of the view that directions issued in earlier writ petitions necessarily will have to be complied with and any orders now passed by us may not be treated as violating any directions issued, but we would require Pollution Control Board to take further steps to comply with the directions and review the progress in the light of the report of the experts and Environment Protection Training and Research Institute and in case any funds are required for implementation of the project, it is needless to add that the request of the Municipality will be duly considered. With these directions, we dispose of the writ petition reiterating what we have stated above that all parties must ensure due compliance with the directions issued in earlier writ petitions.

(DEVINDER GUPTA, C.J.)

7th October 2004.

(C.V.RAMULU, J.)

ARS

To

- 1.The R.D.O., Kolleru, Bhimavaram, West Godavari District.
Bhimavaram West Godavari District
- 2.The Mandal Revenue Officer,
Bhimavaram, West Godavari District.
- 3.The District Collector, West Godavari District at Eluru.
- 4.The Environmental Engineer, A. P. Pollution Control Board,
Regional Office, Bhimavaram, W.G.District.
- 5.The Member Secretary,
Pollution Control Board, Maitrivanam, S.R.Nagar,
Hyderabad.
- 6.The Secretary to Govt. of A.P.,
Energy, Forest, Environmental, Science & Technology Department,
Secretariat, Hyderabad.
- 7.The Commissioner, Eluru Municipality, Eluru.
8. Two CCs to the Advocate General, High Court Bldgs., Hyderabad (OUT).
- 9.Two C.D. copies.

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